

REC'D. 0 8 FEB 2005

WIPO PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 70202 FOR FU	RTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. Internation	nal filing date (day/month/year) . Priority date (day/month/year)
PCT/EP 03/14757 22.12.20	
International Patent Classification (IPC) or both national C C07C43/225	classification and IPC
Applicant SYNGENTA PARTICIPATIONS AG	
This international preliminary examination repair Authority and is transmitted to the applicant a	port has been prepared by this International Preliminary Examining according to Article 36.
2. This REPORT consists of a total of 4 sheets	, including this cover sheet.
been amended and are the basis for th	NEXES, i.e. sheets of the description, claims and/or drawings which have is report and/or sheets containing rectifications made before this Authority Administrative Instructions under the PCT).
These annexes consist of a total of sheets.	
This report contains indications relating to th	ne following items:
I ⊠ Basis of the opinion	
II Priority	
	th regard to novelty, inventive step and industrial applicability
IV  Lack of unity of invention	
	66.2(a)(ii) with regard to novelty, inventive step or industrial applicability;
VI ⊠ Certain documents cited	
VII Certain defects in the internation	al application
VIII Certain observations on the inter	•••
	•
Date of submission of the demand	Date of completion of this report
Date of submission of the demand	Date of completion of this report
Date of submission of the demand 18.06.2004	Date of completion of this report  04.02.2005

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP: 03/14757

1.	Bas	is	of '	the	re	po	r
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1. With regard to the **elements** of the international application (Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)):

	Des	cription, Pages	·		•			
	1-80	)	as originally filed					
	Clai	ims, Numbers			•			
	1-9	•	as originally filed					
2. With regard to the <b>language</b> , all the elements marked above were available or furnished to this language in which the international application was filed, unless otherwise indicated under this it								
	The	These elements were available or furnished to this Authority in the following language: , which is:						
		the language of publi	nslation furnished for the purposes of ication of the international application (	under Rule 48.3(b)).				
<ul> <li>Rule 55.2 and/or 55.3).</li> <li>With regard to any nucleotide and/or amino acid sequence disclosed in the international applica international preliminary examination was carried out on the basis of the sequence listing:</li> </ul>								
		contained in the inter	national application in written form.					
		filed together with the international application in computer readable form.						
		furnished subsequen	tly to this Authority in written form.	,	. :			
		furnished subsequen	tly to this Authority in computer readal	ole form.				
		The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.						
	□ ·	The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.						
4.	The	amendments have re	esulted in the cancellation of:					
		the description,	pages:					
		the claims,	Nos.:					
		the drawings,	sheets:					
5.		This report has been been considered to g	established as if (some of) the amend go beyond the disclosure as filed (Rule	Iments had not been made 70.2(c)).	e, since they have			
		(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)						
6.	Ado	litional observations, i	f necessary:		••			



International application No.

PCT/EP 03/14757

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Yes: Claims

No: Claims

1-9

Inventive step (IS)

Yes: Claims

No: Claims

1-9

Industrial applicability (IA)

Yes: Claims

1-9

No: Claims

2. Citations and explanations

see separate sheet

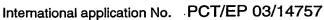
VI. Certain documents cited

 Certain published documents (Rule 70.10) and /or

2. Non-written disclosures (Rule 70.9)

see separate sheet





- V. i) The following documents have been taken into consideration:
  - D1: DATABASE CA [Online] CHEMICAL ABSTRACTS SERVICE, COLUMBUS, OHIO, US; SUZUKI, MASAYA: 'Pyridinyl-containing chlorobenzenes and insecticides containing them' retrieved from STN Database accession no. 138:233426 CA XP002278545 & JP 2003 081942 A (SUMITOMO CHEMICAL CO., LTD., JAPAN) 19 March 2003 (2003-03-19)
  - D2: DATABASE CA [Online] CHEMICAL ABSTRACTS SERVICE, COLUMBUS, OHIO, US; KATSURADA, MANABU ET AL: 'Preparation of dihalopropenyloxybenzene derivatives and pesticides containing the same as the active ingredient' retrieved from STN Database accession no. 135:46183 CA XP002278546 & WO 2001/044154 A (MITSUBISHI CHEMICAL CORPORATION, JAPAN) 21 June 2001 (2001-06-21)
  - D3: WO 02/17712 A (FMC CORP) 7 March 2002 (2002-03-07)
- ii) The subject-matter of claims 1-6 does not fulfil the requirements of Art. 33(2)PCT, since it lacks novelty vis-à-vis D2 and D3 (see compounds RN34520-99-9 of D2 and compound 61 of D3).

The compounds of D2 and D3 have been already disclosed as **pesticides**. Therefore, the subject-matter of claims 7-9 does not fulfil the requirements of Art. 33(2)PCT, since it also lacks novelty vis-à-vis D2 and D3.

Having regard for the above lack of novelty, the requirements of Art. 33(3)PCT are not considered to have been satisfied.

Remarks: No objections under industrial applicability of the present subject-matter.

VI For the purposes of this report it has been considered that the priority date of 23/12/02 has been validly claimed. If this were not the case D1 (published on 19/03/03) could become relevant at the regional phase.